

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	Case No. 13-00449-CV-W-BCW
v.	)	
	)	
VITAS HOSPICE SERVICES, L.L.C., et al.,	)	
	)	
Defendants.	)	

**JOINT MOTION FOR REVISED SCHEDULING ORDER**

Pursuant to Paragraph 11 of the Scheduling Order in this case, Dkt. No. 65, as amended Dkt. Nos. 202 and 306, plaintiff the United States of America (“the United States”), relators Charles Gonzales, Barbara Urick, and Laura Spottiswood (collectively “relators”), and defendants Vitas Hospice Services, L.L.C., Chemed Corporation, Vitas Healthcare Corporation, Vitas Healthcare Corporation of California, Vitas Healthcare Corporate of Illinois, Vitas Healthcare Corporation of Florida, Vitas Healthcare Corporation of Ohio, Vitas Corporation Atlantic, Vitas Healthcare Corporation Midwest, Vitas Healthcare Corporation of Georgia, and Vitas Healthcare of Texas, L.P. (collectively “Vitas”) jointly move the Court for an extension of certain deadlines in the Court’s Scheduling Order. This is the parties’ third request for an extension of deadlines.

**I. Deadlines For Which an Extension Is Requested<sup>1</sup>**

Specifically, the parties request the following changes to the Scheduling Order:

- (1) *Expert Witness Designations and Reports*: **May 20, 2016**. The current deadline is March 31, 2016.

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<sup>1</sup> The parties will be moving for an extension of the mediation deadline with the Director of the court’s Mediation and Assessment Program to on or before July 31, 2016.

- (2) *Rebuttal Expert Witness Designations and Reports*: **October 28, 2016**. The current deadline is May 31, 2016.
- (3) *Expert Discovery Deadline*: **December 15, 2016**. There is no separate deadline in the current Scheduling Order pertaining to depositions of expert witnesses.
- (4) *Motions to Strike Expert Designations or Preclude Expert Testimony*: Opening Briefs: **January 31, 2017**. The current deadline is August 30, 2016. Response Briefs: **March 7, 2017**. Reply Briefs: **March 21, 2017**. There is no separate deadline in the current Scheduling Order pertaining to Response or Reply Briefs.
- (5) *Dispositive Motions*: Opening Briefs: **April 14, 2017**. The current deadline is September 30, 2016. Response Briefs: **May 19, 2017**. The current deadline is November 15, 2016. Reply Briefs: **June 16, 2017**. The current deadline is December 15, 2016.
- (6) *Pretrial Conference*: **August 23, 2017**. The current deadline is February 28, 2017.
- (7) *Trial*: **September 25, 2017**. The current deadline is March 27, 2017.

## **II. The Reasons for the Requested Modifications**

The modifications requested reflect the parties' mutual agreement that, additional time for expert discovery is needed to allow the experts to complete their reports, and for the parties to analyze the reports and prepare for depositions. The changes to the expert deadlines abbreviate the time period allotted for the parties to meet the other deadlines and therefore, the parties request extensions of the remaining deadlines to ensure that they have sufficient time to prepare for and meet them.

### *A. Expert Discovery*

The parties are requesting extensions of the expert deadlines. The parties anticipate that certain expert reports, including reports from the parties' medical experts, will be very extensive and may involve hundreds of patients, and due to the volume of patient records and to provide adequate time for the preparation of expert reports, additional time is required to meet the initial deadlines and to prepare rebuttal reports. The parties also seek to set a deadline after rebuttal

reports are due for expert witness depositions which will allow the parties sufficient time to schedule the depositions of the experts and prepare for them.

*B. Motions to Strike Expert Designations, Dispositive Motions, Pre-Trial Conference, and Trial*

The parties request modifications for the remaining revised deadlines for motions to strike expert designations, dispositive motions, pre-trial conference, and trial to accommodate for the extension of expert discovery and to provide the parties with sufficient time to meet the deadlines. The parties incorporated additional time between the Motions to Strike Expert Designations and the dispositive motion deadline to account for the fact that the parties anticipate that the nature of the motions will necessitate additional time, and to allow the parties sufficient time to prepare dispositive motions and for the pre-trial conference after the Motions to Strike Expert Designations briefing has concluded.

For the reasons set forth above, plaintiffs United States of America, relators Charles Gonzales, Barbara Urick, and Laura Spottiswood, and defendants Vitas respectfully and jointly request the Court to revise the Scheduling Order in conformity with the dates proposed herein.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 10th day of March, 2016, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system. I further certify that a true copy of the foregoing was furnished to all counsel of record.

/s/ Stacey M. Bowman  
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